

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SUZANNE M. TRAVIS, CANDACE
DUNCAN, LISA MADDOCKS, and
KATHERINE CLARK,

Plaintiffs,

vs.

ALLAN F. KNAPPENBERGER,

Defendant.

DELPHINE KENNEDY-WALKER,

Plaintiff,

vs.

ALLAN F. KNAPPENBERGER,

Defendant.

CV 00-393-RE (Lead Case)
CONSOLIDATED CASES

ORDER

CV 00-1391-RE

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1 REDDEN, Judge:

2 The matter before the court is plaintiffs' claim for approximately \$12,000 in state law
3 civil penalties under Or. Rev. Stat. § 653.055 based on defendant's late payment of
4 overtime wages.

5 In this litigation, plaintiffs Travis, Maddocks and Clark asserted claims under federal
6 and state law against defendant for unpaid overtime. A few weeks after the lawsuit was
7 filed, plaintiffs accepted defendant's offer of judgment for the overtime wages and liquidated
8 damages calculated pursuant to the Fair Labor and Standards Act (FLSA), 29 U.S.C.
9 § 216. Now, in addition to the liquidated damages defendant paid under the FLSA,
10 plaintiffs argue that they are entitled to civil penalties under Oregon law for defendant's late
11 payment of overtime wages. I disagree.

12 Courts have consistently held that the remedies provided under § 216(b) of the
13 FLSA, which includes liquidated damages, are the exclusive remedies for enforcing rights
14 created under the FLSA. See, e.g., Roman v. Maietta Construction, Inc., 147 F.3d 71, 76
15 (1st Cir. 1998); Tombrello v. USX Corp., 763 F.Supp. 541, 544 (N.D. Ala. 1991). As a
16 matter of law, plaintiffs cannot circumvent the exclusive remedies prescribed by Congress
17 by asserting, as to the overtime violation, a right to receive penalties under state law claim
18 in addition to the penalties they have already received under the FLSA. Roman, 147 F.3d
19 at 76; Tombrello, 763 F.Supp. at 545. Therefore, I conclude that because plaintiffs sought
20 and recovered liquidated damages under the FLSA for the overtime pay violations, they
21 cannot recover again under Oregon law. Plaintiffs are not entitled to double recovery.
22 Bolduc v. National Semiconductor Corp., 35 F.Supp.2d 106, 117 (D. Maine 1998).

23 IT IS SO ORDERED.

24 Dated this 25th day of September, 2002.

25
26 /S/ James A. Redden
27 James A. Redden
28 United States District Judge